

# EXHIBIT 18

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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**BLACK LOVE RESISTS IN THE RUST, et al.,**  
**individually and on behalf of a class of**  
**all others similarly situated,**

Plaintiffs,

vs.

1:18-cv-00719-CCR

**CITY OF BUFFALO, N.Y., et al.,**

Defendants.  
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**ORAL EXAMINATION OF OCTAVIO VILLEGAS**

**APPEARING REMOTELY FROM**

**BUFFALO, NEW YORK**

Thursday, June 8, 2023

10:07 a.m. - 4:16 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

DEPAOLO CROSBY REPORTING SERVICES, INC.  
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1 I had to do that was explaining the executive powers  
2 and the separation of powers and why the mayor's  
3 office, the way the legislation had set it up, could  
4 allow us to adopt things that come from the executive  
5 office. But other than that, I think  
6 constitutionality-wise, I don't recall.

7 Q Could you just explain what you were just saying?  
8 The way it was -- I think you referred to the way  
9 BTVA was set up and the executive department. Could  
10 you just expand on that?

11 A Absolutely. So the legislation created the Buffalo  
12 Traffic Violation Agency. The Buffalo Traffic  
13 Violation Agency is one of four that exist in the  
14 State of New York. The older ones are Suffolk and  
15 Nassau County. The way the legislation sets them up  
16 is that they're under the direct control of the  
17 comptroller.

18 When Buffalo was created, the legislation carved  
19 it out to say that the agency runs under the direct  
20 control of the mayor's office. Similarly Rochester,  
21 which was created after Buffalo, has the same  
22 carve-out that is under the control of the mayor.

23 So let's say if there's a directive from the

1 violations, so if it's a felony or a misdemeanor  
2 related, anything that stems out of an arrest, it's  
3 still under the jurisdiction of Buffalo City Court.

4 We deal with all the nonmoving violations that  
5 are within the City of Buffalo that are issued by law  
6 enforcement agencies because we do have a few that  
7 issue tickets, so it's not just Buffalo PD.

8 Q So do you have an understanding of why the BTVA was  
9 created?

10 A I feel that I do. My understanding of it was  
11 majority leader, Crystal Peoples-Stokes, had  
12 advocated to have a Traffic Violation Agency here in  
13 Buffalo, a system that could allow those that receive  
14 tickets, not just residents but those that come  
15 through the City of Buffalo, to have an opportunity  
16 to plead out or have the same privileges such as town  
17 and village courts around the City of Buffalo and  
18 across the State of New York had the ability to do.

19 And Buffalo didn't have that at the time. When  
20 the administrative adjudication was here, my  
21 understanding was it was more DMV. The burdens of  
22 proof were not the same as in a criminal court. And  
23 people were not given an opportunity to plead

1 anything.

2 And so Crystal Peoples-Stokes advocated for an  
3 agency in Buffalo because we know that in the state,  
4 they already existed. And with the help of not just  
5 getting it through the assembly, but then Tim  
6 Kennedy, who I believe is the head of the  
7 Transportation Committee, then pushed also to have  
8 this created.

9 So through Albany or I would say the  
10 legislators, they voted and passed the creation of  
11 the Buffalo Traffic Violation Agency. And that was  
12 what established us, and that gave us the opportunity  
13 that the neighboring village and town courts and  
14 other areas across the state who had the ability to  
15 plead down tickets or give motorists alternatives, we  
16 now had the ability to do that.

17 Q BTVA also allowed the City of Buffalo to keep a  
18 higher percentage of revenue from traffic fines and  
19 fees, right?

20 MR. SAHASRABUDHE: Form.

21 A Similar to like all the towns and villages and  
22 everywhere else across the state, they keep their  
23 revenue that they have locally. So Buffalo was